

# EXHIBIT K

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MARK DUBLINO,

*Plaintiff,*

**REQUEST TO ADMIT**

vs.

Case No. 6:19-cv-6269-DGL

SGT. JUSTIN BIEGAJ, SGT. ROBERT DEE, DEPUTY  
BRIAN THOMPSON, DEPUTY FRANK GELSTER,  
SGT. MR. CROSS, SGT. MR. ROBINSON, DEPUTY  
MR. P. GIARDINA, DEPUTY SHAWN WILSON,

*Defendants.*

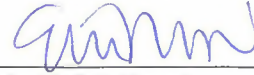
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Pursuant to F.R.C.P. 36, defendants request that plaintiff respond within 30 days to these requests by admitting, for purposes of this action only, and subject to admissibility at trial:

1. The genuineness of the document attached as **Exhibit A**, entitled New York State Commission of Correction Inmate Grievance Form.
2. That each of the following statements is true:
  - a. Exhibit A is a grievance written by plaintiff Mark Dublino.
  - b. Exhibit A was submitted to Erie County Holding Center staff on March 11, 2018 at 3:00 p.m.
  - c. Exhibit A concerns issues with mail and postage.
  - d. Exhibit A was sent from Gulf East, cell 33.
  - e. Gulf East, cell 33 was plaintiff Mark Dublino's cell as of March 11, 2018.
  - f. As of March 11, 2018, the grievance process was available to plaintiff Mark Dublino.
  - g. Plaintiff Mark Dublino did not submit any other grievances to Erie County Holding Center staff after March 9, 2018.

Dated: Buffalo, New York  
June 15, 2021

MICHAEL A. SIRAGUSA  
*Erie County Attorney*  
*Attorney for defendants*



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Erin E. Molisani  
Assistant County Attorney  
95 Franklin Street, Room 1634  
Buffalo, New York 14202  
Telephone: (716) 858-2216  
Email: erin.molisani@erie.gov

# EXHIBIT A

**New York State Commission of Correction**  
**Inmate Grievance Form**  
 Form SCOC 7032-1 (11/2015)

Facility: Erie County Holding CenterHousing Location: Gulf East 33Name of Inmate: Dublino, Mark (ICN: 147472)Grievance #: 18G-

Brief Description of the Grievance (Submitted by the grievant within 5 days of occurrence)  
Number of Sheets Attached ( )

ON 12/1/18 I PURCHASED A U.S. POSTAL PREPAID BOX. I FILLED IT WITH LEGAL PAPERWORK AND THEN SEALED IT. DEB. HARVEY TOOK THE PARCEL TO BE MAILED. AS OF 3/9/18 THE PARCEL DID NOT REACH THE DESTINATION 153 TOLSON RD. CHEZEMUNCA NY 14225. I ALSO SENT A PARCEL 8X11 MANILLA ENVELOPE ON 3/7/18 WITH AN OVERWEIGHT CHARGE OF \$4.99. MY CONCERN IS IF BOTH PARCELS WERE MAILED.

Action requested by the grievant (Submitted by the grievant within 5 days of occurrence):  
Number of Additional Sheets Attached ( )

I PAY EXTRA FOR NEXT DAY SERVICE, SO MY LEGAL DOCUMENTS GET TO THE DESTINATION IN A TIMELY BASIS. THIS IS INFRINGING ON MY CIVIL RIGHTS TO PROCESS U.S. MAIL. I NEED CONFIRMATION THAT BOTH PARCELS HAVE BEEN FORWARDED TO THE U.S. POSTAL SERVICE BOX OR POST OFFICE. 2018

Grievant Signature: [Signature]Date/Time Submitted: MARCH 11<sup>TH</sup> 3:00 PMReceiving Staff Signature: [Signature] #1558Date/Time Received: 03/11/18 / 1530

Investigation Completed by: \_\_\_\_\_

Date Completed: \_\_\_\_\_

Decision of the Grievance Coordinator

Number of Sheets Attached ( )

Written decision shall be issued within 5 business days of receipt of grievance and shall include specific facts and reasons underlying the determination

- ☐ Non-grievable issue as per 9 NYCRR §7032.4(h) (may not be appealed to CAO)
- ☐ Grievance Accepted
- ☐ Grievance Denied on Merits
- ☐ Grievance Denied due to submitted beyond 5 days of act or occurrence (can be appealed to CAO)
- ☐ Grievance Accepted In part/ Denied in part (Note specific Acceptance/Denial parts below)

Signature of the Grievance Coordinator: \_\_\_\_\_

Date: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that on June 15, 2021, I mailed the foregoing Request to Admit by United States Postal Service, to the following individual:

Steven V. Modica, Esq.  
Modica Law Firm  
2430 Ridgeway Avenue  
Rochester, New York 14626

DATED: Buffalo, New York  
June 15, 2021

**MICHAEL A. SIRAGUSA, ESQ.**  
*Erie County Attorney*  
*Attorney for defendants*

By: /s/ Erin Molisani  
Erin E. Molisani, Esq.  
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